

SENATE BILL 2073

By Yager

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 5; Title 28; Title 29, Chapter 26; Title 63, Chapter 6 and Title 63, Chapter 9, relative to limitation on the time within which disciplinary actions may be initiated.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-6-214, is amended by adding the following language as a new subsection:

(o)

(1) No notice of charges shall be filed against a licensee under this part more than five (5) years from the date on which the alleged violation occurred, except where there is fraudulent concealment on the part of the licensee. In the event that multiple violations are, or a continuing violation is, alleged to have occurred on more than one (1) date, then the notice of charges in which such violations are alleged must be filed within five (5) years of the date on which the most recent violation is alleged to have occurred.

(2) This subsection (o) does not apply to an alleged violation of this part that is based on any of the following:

(A) A criminal conviction that constitutes grounds for discipline under subdivisions (b)(2) or (b)(10), or any other criminal conviction that constitutes a ground for discipline under another provision of this part; or

(B) Any disciplinary action taken by another state or territory of the United States that constitutes grounds for discipline under subdivision (b)(20).

SECTION 2. Tennessee Code Annotated, Section 63-9-111, is amended by adding the following language as a new subsection:

(i)

(1) No disciplinary action shall be initiated against a licensee under this part more than five (5) years from the date on which the alleged violation occurred, except where there is fraudulent concealment on the part of the licensee. In the event that multiple violations are, or a continuing violation is, alleged to have occurred on more than one (1) date, then the disciplinary action in which such violations are alleged must be filed within five (5) years of the date on which the most recent violation is alleged to have occurred.

(2) This subsection (i) does not apply to an alleged violation of this part that is based on any of the following:

(A) A criminal conviction that constitutes grounds for discipline under subdivisions (b)(2) or (b)(9), or any other criminal conviction that constitutes a ground for discipline under another provision of this part; or

(B) Any disciplinary action taken by another state or territory of the United States that constitutes grounds for discipline under subdivision (b)(21).

SECTION 3. This act shall take effect July 1, 2011, the public welfare requiring it, and shall apply to all violations that occur on and after such date.